

Fed Ex'd on 4/18/03



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. J. Lawrence Robinson
Color Pigments Manufacturers Association, Inc.
300 N. Washington Street
Suite 102
Alexandria, VA 22314

Re: EPA Hazardous Waste Listing Determination for Wastes Generated from Production of
Dyes and Pigments

Dear Larry:

I am writing in response to your letter, dated March 20, 2003, regarding your response to Gwen DiPietro's February 20, 2003 E-mail. The E-mail presented information related to a request the Color Pigment Manufacturers Association, Inc. (CPMA) made during the January 15, 2003 meeting with the Environmental Protection Agency (EPA). At the January 15, 2003 meeting, we discussed various aspects of the economic impact analysis that EPA will be conducting in conjunction with our ongoing hazardous waste listing determination for wastes generated during the production of certain dyes and pigments. As part of this discussion, we described our approach to estimating the quantities of waste that the targeted production processes may generate. At that time, we anticipated that we would be using the waste generation ratios previously described in the November 9, 2000 *"Draft Regulatory Flexibility Screening Analysis: Proposed Listing as RCRA Hazardous Waste and Land Disposal Restrictions (LDRs) for Wastewaters and Wastewater Treatment Sludge from the Production of Azo Dyes and Pigments, and Still Bottoms from the Production of Triarylmethane Dyes and Pigments."* CPMA raised concerns that these ratios were out of date, and inquired about the types of more recent waste quantity information the Agency could use in its current economic analysis.

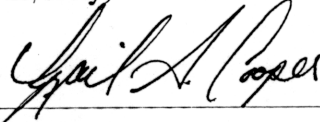
The attachment to the February 20, 2003 E-mail, entitled "Organic Dyes and Pigments Listing Determination Azo, TAM and Anthraquinone Wastes, Selected Data of Interest for the Economic Assessment and Regulatory Flexibility Screening Analysis," responded to CPMA's request and described several optional formats for waste quantity data that would be helpful to our analyses. I understand that the timeframe we identified in the February 20, 2003 E-mail was

short, and that it was not feasible for your organization to provide this information for facilities outside of your membership. We certainly appreciate, however, your offer to help if you could.

In your March 20, 2003 letter, you also reiterated your interest in receiving a copy of the list of constituents of concern (CoCs) for the current listing determination. Unfortunately, we are unable to share this information with you until we have clarified the scope of the injunction and concluded the ongoing settlement negotiations in Magruder Color Company, Inc and CPMA v. U.S. EPA, consolidated with Sun Chemical Corporation v. U.S. EPA, U.S. District Court for the District of New Jersey, Newark, New Jersey, Civil Action No. 94-5768 (NHP). Please be assured that we understand the importance of receiving the list of constituents to CPMA and its member companies and are as eager to reach a settlement on the above case as CPMA.

Please feel free contact me at (703) 308-8419 if you have any questions or comments. Again, we appreciate your prior offer to update our information on waste generation rates.

Sincerely,



Gail Ann Cooper
Chief, Waste Identification Branch
Hazardous Waste Identification Division
Office of Solid Waste